

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Office Action of August 25, 2005, the Examiner rejected Claims 1-50 under 35 U.S.C. §103(a), as being allegedly unpatentable over Applicants Admitted Prior Art ("AAPA") in view of Li et al. (U.S. Patent No. 6,529,508) (hereinafter "Li").

Applicants respectfully disagree.

As a preliminary matter, applicants cancel Claims 1 and 5 without prejudice. The subject matter of Claims 1 and 5 is already presented in pending Claim 49 (not amended). This Claim 49, it is respectfully submitted, is clearly patentably distinct over the cited combination of AAPA and Li. Claims 2-4, 6-9, 12 and 14-16 have been amended to either directly or indirectly depend upon independent Claim 49.

Claim 21 is being canceled and the subject matter thereof wholly incorporated in amended independent Claim 17 directed to a forwarding platform. Claim 17 is further being amended to track language as now claimed in Claim 49 (not amended). In view of the cancellation of Claim 21, Claims 22-25 are being amended to properly depend from amended Claim 17.

Likewise Claim 37 is being canceled and the subject matter thereof wholly incorporated in amended independent Claim 33 directed to a program storage device. Claim 33 is further being amended to track language as set forth in independent method Claim 49 (not amended). In view of the cancellation of Claim 37, Claims 38-40 are being amended to properly depend from amended Claim 33. To avoid any inconsistencies with independent Claim 33 from which they depend, the preambles of Claims 34-36 and Claim 38-48 are being amended to set forth a program storage device.

Respectfully amended Claims 17, 33 and 49 are patentable over the combination of AAPA and the cited Li reference for the following reasons:

- 1) First of all, the AAPA and Li whether taken alone or in combination do not address teach or suggest the received fragment preprocessing step which comprises querying a data structure that comprises one or more flags for determining whether the received fragment is to be classified in the forwarding platform.
- 2) Nor do the AAPA and Li whether taken alone or in combination teach or suggest a step of redirecting or discarding the received fragment from the forwarding platform if it is determined that the received fragment is not to be classified at the forwarding platform.

Respectfully, at best, AAPA teaches performing a "test" whereby the "flags" field 112 and "fragment offset" field are used to test whether the received packet is a packet fragment. However, that is where the similarity ends because according to the prior art, as shown in Figure 3, the packet fragment is classified according to convention techniques -the classification being performed being not practical for high-speed forwarding platforms (e.g., network processors).

Li is not helpful in this regard. First of all, Li's "key" used in packet classification as described in col. 7, lines 27-59 of Li does not address whether the packet is a fragment or not (i.e., in Li, the information "derived" from a received packet is not directed to determining whether the packet is a fragment). The only mention of a packet fragment is in the description of Fig. 3, describing IPv4 protocol (Li at col. 5, lines 58-61), however, Li is not directed to packet fragment handling. Li, rather, is directed to UDP packet protocol which does not support fragmentation and hence, obviates the need to derive/process fragmentation information from the

received packet (See Li at Col. 7, lines 40-59) in the first instance. Thus, Li is of no help in this regard.

The present invention, as set forth in amended Claims 17 and 33 and in Claim 49 and 50 includes a preprocessing step that includes querying a data structure such as shown in Figure 6 of the present invention, that provides a how to handle the determined packet fragment, i.e., whether, in the first instance, the received fragment is to be classified in the forwarding platform (e.g., if there are no TCP rules present in the rule database). This handling will include redirecting or discarding the received fragment from the forwarding platform if it is determined that the received fragment is not to be classified at the forwarding platform and this is neither taught nor suggested by the combination of AAPA and Li.

Having not made a prima facie case of obviousness, the Examiner is respectfully requested to withdraw the rejection of at least Claims 17, 33 and 49 and 50 under 35 U.S.C. §103(a) and withdraw the rejection of all claims dependent therefrom.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,



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